



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: L. RICHARD MARTIN, JR.
Virginia Department of Social Services

FROM: USHA KODURU
Assistant Attorney General

DATE: August 22, 2005

SUBJECT: Emergency Regulation 22 VAC 40-71 et seq.
Standards and Regulations for Licensed Assisted Living Facilities

I have reviewed the attached proposed emergency regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the attached proposed emergency regulation and if the proposed emergency regulation comports with applicable state law.

Chapter 924 of the 2005 Acts of Assembly mandated that the State Board promulgate emergency regulations to adopt comprehensive revisions for regulating licensed assisted living facilities. It appears that the State Board has the authority to promulgate the proposed emergency regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Orders 21 (2002) and 58 (1999), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-4905.

Attachment

cc: Kim F. Piner, Esquire